



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

nl

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,347	01/22/2004	Yoshihiro Oba	3119-102	3254
52190 7590 09/04/2007 WATCHSTONE P + D 1250 CONNECTICUT AVENUE, N.W. SUITE 700 WASHINGTON, DC 20036			EXAMINER TAYLOR, NICHOLAS R	
			ART UNIT 2141	PAPER NUMBER
			MAIL DATE 09/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/761,347

Applicant(s)

OBA ET AL.

Examiner

Nicholas R. Taylor

Art Unit

2141

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 August 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: prior rejections still apply, see attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


JASON CARDONE
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. Claims 1-21 and 25-27 have been presented for examination. Claims 1-3, 5, 7-21, and 25-27 are rejected. Claims 4 and 6 are objected to.

Response to Arguments

2. Applicant's arguments filed August 22nd, 2007, have been fully considered but they are deemed not persuasive.

3. In the remarks, applicant argued in substance that:

(A) The prior art of Boden does not teach sending serving network provider advertising information to said client node, establishing a communication tunnel between said client node and said access router through said access network, or receiving network information specifying a serving network to which said client desires to have access.

As to point (A), Boden teaches an access network to which a client has a network connection that provides an access router with an access network and serving network (see the network structure of fig. 4 and paragraph 0039). An incoming IPsec'd packet 100 containing network provider advertising information is received at the access router (Boden, paragraph 0062). The information that the client node receives is advertised network information that is necessary for the client to use in order to access

the serving network provider—given a broadest reasonable interpretation of the claim this reads on the limitation of serving network provider advertising information. The access router, in order to avoid conflict due to overlapping remote address spaces, makes modifications to the incoming advertisement information so that conflicts do not occur on the destination network (see Boden paragraphs 0062-0072 and the connection process detailed in Table 3 where gateway A modifies the advertisement information to be compatible with node A1's network). The client node responds if a connection is desired, and if so, a communication tunnel is established where the client node is able to send and receive data packets to the specified destination (Boden, see fig. 13 steps 188-194 where the advertising information in step 181 is forwarded to node A1 to establish the connection). A tunnel is established between the client and access router such that the client is able to send data to and from the serving network specified within said communicational tunnel (Boden, paragraphs 0073-0076; figs. 5 and 12; see also use of AH, ESP, and other header information in paragraph 0062).

(B) The finality of the office action should be withdrawn, as a "new ground of rejection" was applied.

As to point (B), the nonfinal office action mailed December 21st, 2006, rejected the claims in a section titled "Claim Rejections - 35 USC §102." While the nonfinal action contained a typographical error, the error was corrected in the final office action. Applicant presented substantive arguments as to the 35 USC §102 applicability of Boden in the responses filed on both March 21st, 2007, and August 22nd, 2007. The

Art Unit: 2141

grounds of rejection under 35 USC §102 as anticipated by the Boden reference has not changed since the original nonfinal action and thus the rejection will not be withdrawn.

Claim Rejections - 35 USC § 102

4. The rejections under 35 U.S.C. 102 as applied to claims are unchanged and are recited in the previous FINAL office action.

Claim Rejections - 35 USC § 103

5. The rejections under 35 U.S.C. 103 as applied to claims are unchanged and are recited in the previous FINAL office action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2141

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nt 8-30-07

Nicholas Taylor
Examiner
Art Unit 2141